

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA

UNITED STATES OF AMERICA, CASE NO.: 08-CR-00385

vs.

EZENWA ONYEDEBELU,

_____ /

RESPONSE TO THE POSITION OF THE UNITED STATES
WITH RESPECT TO SENTENCING

COMES NOW the Defendant, EZENWA ONYEDEBELU, by and through undersigned counsel and respectfully files this Response to the Position of the United States With Respect to Sentencing and would allege as follows:

EZENWA ONYEDEBELU'S POSITION

1. Ezenwa Onyedebelu believes that the sentencing guidelines establish a reasonable sentencing range that appropriately accounts for each factor set forth in Title 18, United States Code, Section 3553(a). Ezenwa Onyedebelu respectfully request that this Honorable Court impose a sentence at the low end of the advisory guideline range as calculated by the United States Probation Office for the Eastern District of Virginia.

STATEMENT OF THE CASE

2. On November 20th, 2008, Ezenwa Onyedebelu appeared before the Honorable District Court Judge T.S. Ellis, III, and entered a plea of guilty to count one of the Indictment charging Mr. Onyedebelu with Conspiracy to Commit Bank Fraud in violation of Title 18, United States Code, Section 1349. Ezenwa Onyedebelu entered into a plea agreement accepting responsibility for participating in this conspiracy and being directly responsible for the loss amount of two hundred and forty seven thousand and nine hundred and eight nine (247,989) dollars. The loss amount and

any other relevant mitigating or aggravating factors were contemplated in the plea agreement, and are reflected accurately in the Pre-Sentence Investigation Report (herein, "P.S.I."). It is the intention of the parties that the total offense level is twenty (20) with a advisory guideline sentencing range of thirty three (33) months to forty one (41) months.

ARGUMENT

3. Ezenwa Onyedebelu at the time of the commission of this crime had no prior criminal record and was twenty (20) years of age. Mr. Onyedebelu was young, impressionable and greedy. Ezenwa Onyedebelu admits that he foolishly ignored the values that were taught to him by his family and became involved in this conspiracy. Mr. Onyedebelu takes full responsibility for his own actions, is truly remorseful and embarrassed for the pain and disappointed he has caused to his family.

4. A sentence at the low end of the advisory guideline range of thirty three (33) months would be reasonable, appropriate and satisfy the factors set forth in Title 18, United States Code, Section 3553(a). A sentence of thirty three (33) months is sufficient but not greater than necessary to reflect the seriousness of the offense, promote respect for the law, provide just punishment and act as a deterrent to any future criminal conduct. Rehabilitation begins when the accused admits his wrong doing, and agrees to provide information to the authorities that can assist in the capture, prosecution and conviction of other co-conspirators.

5. This response is made in good faith and in the best interest of justice.

WHEREFORE, the Defendant, EZENWA ONYEDEBELU, respectfully prays this Honorable Court to sentence Ezenwa Onyedebelu to the low end of the advisory guideline range of thirty three (33) months.

Respectfully submitted,

EZENWZ ONYEDEBELU
By Counsel

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CERTIFICATE OF SERVICE

I hereby certify that on the 24th day of February, 2009, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following:

John Frank Eisinger, AUSA
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